

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MICHAEL EDWARD DAVERN,	:	CIVIL ACTION NO. 1:15-CV-162
	:	
Plaintiff	:	(Chief Judge Conner)
	:	
v.	:	
	:	
CAROLYN W. COLVIN, Acting	:	
Commissioner of Social Security,	:	
	:	
Defendant	:	

ORDER

AND NOW, this 19th day of February, 2016, upon consideration of the report (Doc. 19) of Magistrate Judge Gerald B. Cohn, recommending that the court dismiss the appeal (Doc. 1) of Michael Edward Davern (“Davern”) from the decision of the administrative law judge denying his application for disability insurance benefits, and, following an independent review of the record, the court being in agreement with Judge Cohn that the decision of the administrative law judge is “supported by substantial evidence,” 42 U.S.C. § 405(g); Fagnoli v. Massanari, 247 F.3d 34, 38 (3d Cir. 2001), and the court noting that Davern filed an objection (Doc. 20) to the report, and the Commissioner of Social Security filed a response (Doc. 22), and following a *de novo* review of the contested portions of the report, see Behar v. Pa. Dep’t of Transp., 791 F. Supp. 2d 383, 389 (M.D. Pa. 2011) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n.3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(C)), and applying a clear error standard of review to the uncontested portions, see Cruz v. Chater, 990 F. Supp. 375,

376-78 (M.D. Pa. 1999), the court finding Judge Cohn's analysis to be thorough, well-reasoned, and fully supported by the record, and further finding Davern's objection to be without merit and squarely addressed by the report, it is hereby ORDERED that:

1. The report (Doc. 19) of Magistrate Judge Cohn is ADOPTED.
2. The decision of the Commissioner of Social Security ("Commissioner") denying the application for disability insurance benefits of Michael Edward Davern is AFFIRMED.
3. The Clerk of Court shall enter judgment in favor of the Commissioner and against Michael Edward Davern as set forth in paragraph 2.
4. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania